



# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-Section (ii)

प्राधिकार से प्रकाशित  
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सं. 693] नई दिल्ली, मंगलवार, नवम्बर 27, 1990/अग्रहायण 6, 1912  
No. 693] NEW DELHI, TUESDAY, NOVEMBER 27, 1990/AGRAHAYANA 6, 1912

इस भाग में निम्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

गृह मंत्रालय

नई दिल्ली, 27 नवम्बर, 1990

अधिसूचना

का. आ. 910 (ई).—केन्द्रीय सरकार ने विधि विरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का 37) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तारीख 22 मई, 1990 को नेशनल काउन्सिल आफ खानिस्तान को विधि विरुद्ध संगम घोषित किया था;

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, तारीख 13 जून, 1990 को विधि विरुद्ध क्रियाकलाप (निवारण) अधिकरण गठित किया था जिसमें कर्नाटक उच्च न्यायालय के न्यायाधीश न्यायमूर्ति श्री एन. जी. वेंकटाचला थे;

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त

अधिसूचना को इस वाद का न्यायनिर्णय करने के प्रयोजनार्थ कि उक्त संगम को विधि विरुद्ध घोषित करने के लिए पर्याप्त कारण है या नहीं, 19 जून, 1990 को उक्त अधिकरण को निर्दिष्ट किया था;

और उक्त अधिकरण ने, अधिनियम की धारा 4 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए 23 अक्तूबर, 1990 को आदेश पारित किया;

अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा (4) के अनुसरण में, उक्त अधिकरण का उक्त आदेश प्रकाशित करती है, अर्थात् :—

आदेश

विधि विरुद्ध (निवारण) अधिकरण के समक्ष (अंग्रेजी में प्रकाशित अधिसूचना देखिये)

[सं. 17017/41/90—प्रार्. एम. (डी-7)]

हार् महान कैंरे, उप सचिव

## MINISTRY OF HOME AFFAIRS

## NOTIFICATION

New Delhi, the 27th November, 1990

S.O. 910(E).—Whereas the Central Government in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967) declared on the 22nd May, 1990 the National Council of Khalistan to be an unlawful association;

And whereas the Central Government, in exercise of the powers conferred by sub-section (1) of section 5 of the said Act, constituted on the 13th June, 1990 the Unlawful Activities (Prevention) Tribunal consisting of Shri Justice N. G. Venkatachala Judge of the Karnataka High Court;

And whereas the Central Government in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, referred the said notification to the said Tribunal on the 19th June, 1990 for the purpose of adjudicating whether or not there was sufficient cause for declaring the said association as unlawful;

And whereas the said Tribunal in exercise of the powers conferred by sub-section (3) of section 4 of the Act made an order on the 23rd October, 1990;

Now, therefore, in pursuance of sub-section (4) of section 4 of the said Act, the Central Government hereby publishes the said order of the said Tribunal namely :—

BEFORE THE UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL, KARNATAKA HIGH COURT BUILDINGS, BANGALORE (CAMP : NEW DELHI)

PETITION No. 2 of 1990

UNION OF INDIA,  
Ministry of Home  
Affairs,  
New Delhi,  
by its Secretary—Petitioner.

(By Sri R. P. Bharadwaj,  
Standing Counsel for  
Central Government)

v.

NATIONAL COUNCIL  
OF KHALISTAN,  
Room No. 35,  
Gurunanak Nivas,  
Amritsar—Respondent.

## ORDER

Notification S.O. 400(E) dated 22nd May 1990 issued under sub-section (1) of Section 3 of the unlawful Activities (Prevention) Act, 1967—'the Act', and referred to the Unlawful Activities (Prevention) Tribunal—the Tribunal constituted under sub-section (1) of Section 5 of the Act for adjudicating upon the confirmability or otherwise of that Notification under section 4 of the Act, is registered as a petition in the above number arraying therein the Union of India (Central Government), which has issued the Notification, as the petitioner and 'National Council of Khalistan', which is declared as an unlawful association, as the respondent.

2. After the said Notification was registered as a petition, as above, the Tribunal directed its Registrar to issue notices to the respondent, its known office bearers and its members in general calling upon them to object to the declaration in the said Notification registered as the petition, by filing written statement/s of objections, if any, thereto and to appear in person or through any authorised representative in the enquiry proposed to be held by it (the Tribunal) on the petition (Notification) at Punjab Bhavan, Copernicus Marg, New Delhi, from day to day on all working days from 17-9-1990 at 10.00 A.M., for contesting the evidence to be adduced in support of the Notification or to adduce its own evidence against the Notification. The Tribunal also directed issuance

of such notices within three days from 18-7-1990, having recourse to various modes of service available, simultaneously. The notice so sent, contained the Notification, by which the respondent was declared as an unlawful association, the name of the Judge who was constituted as the Tribunal for adjudicating upon the Notification, and the details of opportunity which were being afforded by the Tribunal to the respondent, its office bearers and its members for sending written objections to the Notification and for appearing in person or through their authorised agents at the enquiry proposed to be held thereon by the Tribunal to contest the Notification. That notice read thus :

BEFORE THE UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL, KARNATAKA HIGH COURT BUILDINGS, BANGALORE, (CAMP) : NEW DELHI

Petition No. 2 of 1990

BETWEEN :

UNION OF INDIA,  
Ministry of Home  
Affairs, New Delhi,  
by its Secretary—Petitioner.

AND :

NATIONAL COUNCIL OF  
KHALISTAN,  
Room No. 35,  
Gurunanak Nivas,  
Amritsar—Respondent.

## NOTICE

Hon'ble Mr. Justice Nanje Gowda Venkatachala, Judge, High Court of Karnataka, Bangalore, constituted as Unlawful Activities (Prevention) Tribunal (the Tribunal) under Section 5 of the Unlawful Activities (Prevention) Act, 1967, is required to decide whether or not there is sufficient cause for declaring 'National Council of Khalistan', the respondent-Association, as unlawful as contained in the following notification :

“MINISTRY OF HOME AFFAIRS  
NOTIFICATION

New Delhi, the 22nd May, 1990

S.O. 400(E).—Whereas the organisation known as the 'National Council of Khalistan' hereinafter referred to as the 'Council'—

- (i) which had through the declaration of Shri Balbir Singh Sandhu, its Secretary General, proclaimed its objective the establishment of an autonomous separate Sikh State of 'Khalistan' has been encouraging secessionist activities;
- (ii) whose President Dr. Jagjit Singh Chauhan has been spreading the concept of 'Khalistan' through foreign press;
- (iii) whose acting President of the Government-in-exile of the 'Republic of Khalistan' claimed that Indian flags were burnt in all Gurdwaras of the United Kingdom on Republic Day (26th January, 1989);
- (iv) whose activities and office bearers abroad have been raising pro-'Khalistan' and anti-India slogans during processions, collecting funds in the aid of Sikh militants fighting for 'Khalistan' in Punjab;
- (v) whose acting President of the 'Khalistan' Government-in-exile sent an open letter on 30th January, 1989 the then Prime Minister of India from the United Kingdom on the letter pad form of the 'Khalistan' Government-in-exile with 'Khalistan' insignia urging the Indian Government to vacate the Indian occupation of 'Khalistan' without further delay and whose Prime Minister has been calling for moral and material support from the world communities to the Sikh war of independence;

in Punjab during convention organised by them? Is such action 'unlawful activity' under clause (f) of section 2 of the Act?

8. Has the Council, through the President of its branch the United States based Council of 'Khalistan' in the United States of America, been sending to India subversive literature/material, in which, among other things, it is claimed that 'Khalistan' has since been declared independent from India, its recognition is only a matter of time and at present Punjab is an occupied territory and the boundaries between the Governments should be marked through negotiations with Sikh Nation? Is such activity an 'unlawful activity' under clause (f) of Section 2 of the Act?

9. If answers to Issue Nos. 2 to 8, or any of them, are/ is in the affirmative, is the Council an 'unlawful association' under clause (g) of Section 2 of the Act?

10. If the Council is an unlawful association under clause (g) of Section 2 of the Act, was it a sufficient cause for the Central Government to make the declaration by Notification [S.O. 400(E) New Delhi, the 22nd May, 1990] under sub-section (1) of Section 3 of the Act and does that Notification call to be confirmed?"

5. In the course of enquiry, documentary evidence is produced supporting the petition (Notification). Such evidence comprises of Exhibit P-1 to P-61. Witnesses, whose evidence is recorded in the course of such enquiry as petitioner's witnesses (P.Ws. 1 to 13) are officers of either the Government of Punjab or the Central Government.

6. As it would be necessary and advantageous to refer to the provisions of the 'Act, which bear on the issues, before taking up examination of the documentary and oral evidence adduced respecting them, such provisions shall be referred to now.

It is Section 3 of the Act which empowers the Central Government to declare an association which is or has become an unlawful association by means of a Notification issued in the Official Gazette specifying the grounds supporting such declaration. That Section, however, requires confirmation of such declaration made in the Notification by an order of the Tribunal to be rendered according to Section 4 of the Act, for bringing it (declaration) into effect. The definition of 'association' in clause (a) of Section 2 of the Act envisages an 'association' which is a combination or body of individuals under clause (g) of Section 2 of the Act any association—

(1) which has for its object—

- (a) any unlawful activity ; or
- (b) any activity which is punishable under Section 153B, I.P.C. ; or
- (c) any activity which is punishable under Section 153B, I.P.C. ; or

(2) which encourages or aids person :—

- (a) to undertake any unlawful activity ; or
- (b) to undertake any activity punishable under Section 153A, I.P.C. ; or
- (c) to undertake any activity punishable under Section 153B, I.P.C. ; or

(3) whose members themselves—

- (a) undertake any unlawful activity ; or
- (b) undertake any activity punishable under Section 153A, I.P.C. ; or
- (c) undertake any activity punishable under Section 153B, I.P.C.

is an 'Unlawful Association'.

Clause (f) of Section 2 of the Act, which envisages an 'unlawful activity' in relation to an individual or an association, refers to such 'unlawful activity' to mean any action taken by such individual or association—

(i) which is intended or supports any claim, to bring about, on any ground whatsoever, the cession of a part of the territory of India or the secession of a part of the territory of India from the Union, or which incites any individual or group of individuals to bring about such cession or secession ;

(ii) which disclaims questions, disrupts or is intended to disrupt the sovereignty or territorial integrity of India.

Since 'activity' punishable under Section 153-A of the Indian Penal Code has to be ascertained with reference to that Section, it is excerpted :

"153-A. Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc. and doing acts prejudicial to maintenance of harmony.—(1) Whoever—

(a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, or

(b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquility, or

(c) organizes any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, or participates in such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, against any religious, racial, language or regional group or castes or community and such activity, for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or castes or community,

shall be punished with imprisonment which may extend to three years, or with fine, or with both."

Again, since 'activity' punishable under Section 153-B of the Indian Penal Code has to be ascertained with reference to that Section, it is excerpted :

"153-B. Imputations, assertions prejudicial to national integration.—(1) Whoever, by words, either spoken or written or by signs or by visible representations or otherwise,—

(a) makes or publishes any imputation that any class of persons cannot, by reason of their being members of any religious, racial, language or regional group or caste or community, bear true faith and allegiance to the Constitution of India as by law established or uphold the sovereignty and integrity of India, or

(b) asserts, consents, advises, propagates or publishes that any class of persons shall, by reason of their being members of any religious, racial, language or regional group or caste or community, be denied or deprived of their rights as citizens of India, or

- (vi) whose office bearers have been reiterating the demand for Khalistan, appealing for money to be given to the families of Sikh militants in Punjab during convention organised by them;
- (vii) whose President of the United States based Council of 'Khalistan', a branch of the National Council of Khalistan in the United States of America has been sending to India subversive literature/material in which, among other things, it has been claimed that 'Khalistan' has since been declared independent from India, its recognition is only a matter of time, at present Punjab is an occupied territory and that the boundaries between the two Governments should be marked through negotiations with Sikh Nation;

And whereas the Central Government is of the opinion that for the reasons aforesaid, the Council is an unlawful association;

And whereas the Central Government is further of the opinion that because of the talks, utterances, writings and other activities of the President and other activists of the Council, it is necessary to declare the Council to be unlawful with immediate effect;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby declares the National Council of Khalistan to be an unlawful association and directs in exercise of the powers conferred by the proviso to sub-section (3) of that Section that this Notification shall, subject to any order that may be made under Section 4 of the said Act, have effect from the date of its publication in the Official Gazette."

(Published in the Gazette of India Extra-ordinary issue dated 22nd May, 1990)

2. The Tribunal, which has got the said Notification registered as Petition No. 2 of 1990, proposes to decide whether the aforesaid declaration contained in the notification requires to be confirmed or rejected after affording full opportunity to the respondent-National Council of Khalistan, its office bearers and its members, of making a representation, if any, against that declaration before the Tribunal by filing their statement/s of objections within 30 days from the date of service of this notice and of appearing in person or through their authorised agents at the enquiry to be held in the matter at Punjab Bhavan, Copernicus Marg, New Delhi.

3. Wherefore, this Notice is issued to the respondent—National Council of Khalistan, its office bearers and its members, who may be interested in contesting the declaration contained in the aforesaid notification, affording them an opportunity—

- (i) to file their written statement/s of objections to the declaration contained in the said notification before the Registrar Unlawful Activities (Prevention) Tribunal, Karnataka High Court Buildings, Bangalore-560001, or to send to him, within 30 days from the date of service of this notice, for the same being placed before the Tribunal for its consideration; and/or
- (ii) to appear in person or through their authorised agents declaration contained in the said notification before to day on all working days commencing from Monday, the 17th September, 1990, at 10.00 A.M., on each day at Punjab Bhavan, Copernicus Marg, New Delhi, and contest the evidence to be adduced in support of the declaration in the said notification and/or adduce their own evidence against that declaration in the said notification.

Bangalore.

Dated: 18th July, 1990

Registrar, Unlawful Activities (Prevention) Tribunal,  
Karnataka High Court Buildings, Bangalore."

3. As the Tribunal was enjoined under sub-section (3) of Section 4 of the Act to complete the enquiry to be held in the matter and render its order thereon after affording opportunity to the affected party of contesting the matter, as expeditiously as possible, and in any case, within a period of six months from 22nd May, 1990, the date of issuance of the Notification under adjudication, steps had been taken to effect service of notice in the matter on the affected party—the respondent, as stated earlier.

4. At the enquiry of the Tribunal commenced on 17-9-1990, as notified, the Tribunal having found, that the service of notice on the respondent was duly effected by some of the modes adopted for service, held that there was sufficient service of notice on the respondent. Despite wide publicity of the notice to the respondent given in Punjab based largely circulated two English language and two Punjabi daily News Papers issues of the 9th and the 10th August, 1990, no statement objecting to the Notification was sent or filed by the respondent or any person on its behalf. None appeared for the respondent or on its behalf at the enquiry of the Tribunal. This situation made the Tribunal to order enquiry on the petition (Notification) to proceed ex parte. Thereafter, the Tribunal, by perusing the grounds supporting the declaration in the Notification under adjudication, the documents, which had been sent to the Tribunal, as forming the basis of such grounds and hearing the learned Counsel for the petitioner settled the following issues, as arising for determination in the petition:

- "1. Is National Council of Khalistan (for short "the Council"), the respondent, an association under clause (a) of Section 2 of the Unlawful Activities (Prevention) Act, 1967 (for short: "the Act")?
2. Has the Council by proclaiming through its General Secretary—Balbir Singh Sandhu that its objective is the establishment of an autonomous Sikh State of Khalsaan, been encouraging secessionist activities? Is such action of the Council an unlawful activity under clause (i) of Section 2 of the Act?
3. Has the Council through its President—Dr. Jagjit Singh Chaubhan, been spreading concept of 'Khalistan' through foreign press? Is such action of the Council an unlawful activity under clause (f) of Section 2 of the Act?
4. Has the Council, as Government-in-exile of the 'Republic of Khalistan' through its acting President, claimed that Indian Flags were burnt in all Gurudwaras of United Kingdom on Republic Day (26th January, 1989)? Is such action of the Council an 'Unlawful activity' under clause (i) of Section 2 of the Act?
5. Has the Council, through its activists and office Bearers abroad, been raising pro-Khalistan and anti-Indian slogans during processions, collecting funds in the aid of Sikh militants fighting for Khalistan in Punjab? Is such action an 'unlawful activity' under clause (f) of Section 2 of the Act?
6. (a) Has the Council, as Government-in-exile, through its Acting President, sent an open letter on 30th January, 1989 from the United Kingdom to the then Prime Minister of India on the letter pad form of the 'Khalistan Government-in-exile with Khalistan insignia using Indian Government to vacate the Indian occupation of 'Khalistan' without further delay?
- (b) Has the Council, as Government-in-exile, through its Prime Minister, been calling for moral and material support from the world communities to the Sikh war of Independence?
- (c) Are actions at (a) and/or (b) unlawful activities under clause (f) of Section 2 of the Act?

(c) makes or publishes any assertion, counsel, plea or appeal concerning the obligation of any class of persons, by reason of their being members of any religious, racial language or regional group or caste or community, and such assertion, counsel, plea or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members and other persons, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(2) Whoever commits an offence specified in sub-section (1), in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine."

As found in clause (f) of Section 2 itself, the action taken by an individual or association may relate to committing an act by words, either spoken or written, or by signs or by visible representations or otherwise. Then, 'secession of a part of the territory of India', referred to in clause (f), includes admission of any claim of any foreign country to any such part as defined in clause (b) of sub-section (2). Further, 'secession of a part of the territory of India', referred to in clause (f), includes the assertion of any claim to determine whether such part would remain a part of the territory of India as defined in clause (c) of Section 2 of the Act.

7. Issues can now be taken up serially for determination and recording findings thereon, on the basis of the materials made available to the Tribunal, evidence—documentary and oral, produced at the enquiry before the Tribunal, Petitioner's written arguments and provisions of the Act, adverted to.

Re. Issue No. 1 :

Is National Council of Khalistan, the respondent, an association under clause (a) of Section 2 of the Act, is the issue which requires to be examined.

By four successive notifications of the years 1982, 1984, 1986 and 1988 (Exhibits p-54 to p-57) issued by the Central Government under sub-section (1) of Section 3 of the Act, the National Council of Khalistan, the respondent, is regarded as an association and declared as an unlawful association. Such a declaration made in each of the Notification has come to be confirmed by orders (Exhibits p-58 to p-61, made by the Tribunals constituted from time to time under the Act, Section 15 of the Act declares that an association shall not be deemed to have ceased to exist by reason only at any formal act of its dissolution or change of name, but shall be deemed to continue so long as any actual combination for the purposes of such association continues between any members thereof. The second document of Annexure-XLIII annexed to Exhibit p-52, the Resume sent to the Tribunal along with the Notification under adjudication, is the photo copy of Exhibit p-4 (ET). Exhibit p-4 (ET) is the English Translation of Exhibit p-4, a report in Punjabi sent by Sri Kewal Singh, Inspector, C.I.D., Jalandhar, Punjab; to the Superintendent of Police, C.I.D. Jalandhar. Document-I of Annexure-XLIII is the photo copy of Exhibit P-4. Annexure-XLIII, according to PW-3, Sri Ashok Bhatia, Joint Secretary to the Central Government, had been taken into consideration by the Central Government in making the declaration in the Notification under adjudication. Exhibit P-4 (ET) discloses that Dr. Jagjit Singh Chauhan was the founder of the National Council of Khalistan. Annexure-I annexed to Exhibit P-52 the resume is the photo copy of Exhibit P-34A (ET), which, in turn, is the English Translation of Exhibit P-34A in Punjabi. PW-13, Sri Ashok Bhatia, has stated that Exhibit P-34A (ET) has weighed with the Central Government in making the declaration in the Notification under adjudication. Exhibit P-34A in Punjabi is the photo copy of Exhibit P-34, a First Information report, PW-4, Sri Dalip Singh, speaks to the correctness of Exhibit P-34 and Exhibit P-34A. PW-3, Sri Nasib Chand, speaks to the contents of Exhibit P-34A (ET) as the correct English Translation of Exhibit P-34A. As seen from Exhibit P-34A, Sri Balbir Singh Sandhu has described himself as the Secretary-General of the National Council of Khalistan. Exhibit

P-34A (ET) also discloses that on 26th January 1984, Sri Balbir Singh Sandhu, Secretary General, National Council of Khalistan, in exercise of the powers delegated to him by Dr. Jagjit Singh (founder of National Council of Khalistan) was issuing the Constitution of Khalistan in the presence of Sikh gathering in front of Akal Takht at Harmandir Sahib, that Constitution being what is contained in Exhibit P-34A (ET)—the English Translation of Exhibit P-34A. Annexure-XXXVI annexed to Exhibit P-52, the Resume, is a Press Release issued by Dr. Gurmit Singh Aulakh. Annexure-XXXVIII is the photo copy of Exhibit P-36 no spoken of by PW-10, Sri Dewan Chand. From that Exhibit, it is seen that Dr. Gurmit Singh Aulakh is the President of the Council of Khalistan. It is said in that document that Khalistan is the name of Sikhs given to their home Punjab and Sikh leaders declared independence from India on October 7, 1987. Dr. Gurmit Singh Aulakh has issued several Press Releases under the letter head of Council of Khalistan including those in Annexure XXX, XXXII and XL. From Annexure XI, it is found that on October 7, 1987, the Sikh Nation declared independence from India and severed all relations with the Indian Constitution, and it also instituted the Council of Khalistan, of which he is the President, to administer the affairs of the new nation, Khalistan. The photo copy of Annexure XV annexed to Exhibit P-52, the Resume shows that protagonists of the National Council of Khalistan and other organisations had held a meeting in Gurdwara at Slougha Suburb of London (U.K.) on April 17, 1989.

From the contents of the above documents, what becomes apparent is that the National Council of Khalistan has changed its name to Council of Khalistan with Sri Gurmit Singh Aulakh as its President. Thus, it is seen that the National Council of Khalistan, which was an association, has continued to be an association though there might have been a change in its name as Council of Khalistan, as seen from the afore-said Annexures and in terms of Section 15 of the Act, adverted to earlier.

Hence, the Tribunal records its finding on the issue in the affirmative.

Re. Issue No. 2 :

Has the respondent-National Council of Khalistan, by proclaiming through its General Secretary—Balbir Singh Sandhu that its objective is the establishment of an autonomous Sikh State of Khalistan, been encouraging secessionist activities and is such activity an unlawful activity under clause (f) of Section 2 of the Act, is the issue. This issue is raised having regard to ground No. (1) furnished in support of the declaration in the Notification under adjudication.

Under clause (f) of Section 2 of the Act, any action taken by an association, which is intended or supports any claim to bring about secession of a part of the territory of India or the cession of a part of the territory of India from the Union or which incites any individual or group of individuals to bring about or which disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India, is an unlawful activity, as already pointed out. Annexure-I annexed to Exhibit P-52, the Resume, has been taken by the Central Government in making the declaration that the respondent is an unlawful association, in the Notification under adjudication, as spoken to by PW-13, Sri Ashok Bhatia. Annexure-I is the photo copy of Exhibit P-34A (ET) which is an English Translation of Exhibit P-34A in Punjabi. Exhibit P-34A contains the Constitution of Khalistan issued by Sri Balbir Singh Sandhu as the Secretary-General of the National Council of Khalistan in the presence of Sikh gathering in front of Akal Takht at Harmandir Sahib on 26th January, 1984. That Constitution, as disclosed from Exhibit P-34 (ET), relates to Republic of Khalistan, which was to be established with territorial areas of Punjabi Suba and left out Punjabi speaking areas of Himachal Pradesh, Chandigarh and Rajasthan. It is also disclosed from Exhibit P-34 (ET) that several matters concerning the Republic of Khalistan, to be established, are dealt with there. The said document makes it obvious that issuance of a Constitution on behalf of National Council of Khalistan was with the object of establishment an autonomous Sikh State of Khalistan independent of India and to encourage secessionism among Sikhs. Then, as seen from Exhibit P-4 (ET),

the English Translation of the report, Exhibit P-4, in Punjabi respecting which PW-2, Sri Kewal Chand, has spoken, Dr. Balbir Singh Sandhu, who is the General Secretary of National Council of Khalistan was an Office Bearer of the Khalsa Government-in-exile in United Kingdom as on 18-9-1989. Exhibit P-4 (ET) discloses that Sri Balbir Singh Sandhu, who was living, in Pakistan, was receiving funds from other Office bearers of the Khalistan Government-in-exile in United Kingdom and was utilising those funds to purchase from Pakistan arms and ammunition and such arms and ammunition were being sent clandestinely to various organisations and their members in Punjab, to fight for establishment of Khalistan. It further discloses that Sri Balbir Singh Sandhu was proclaiming that the persons fighting for Khalistan were under his full control and they will not be allowed to feel the paucity of arms and ammunition needed by them. Thus, when the establishment of Sikh State of Khalistan is, according to Shri Balbir Singh Sandhu, the General Secretary of National Council of Khalistan, the objective of National Council of Khalistan and when aforementioned activities of Shri Balbir Singh Sandhu were directed towards the establishment of an autonomous Sikh State of Khalistan, the Tribunal is left with no option except to hold that Shri Balbir Singh Sandhu acting for the National Council of Khalistan was committing and encouraging secessionist activity—an unlawful activity under clause (f) of Section 2 of the Act.

Hence, the Tribunal's finding on the issue is in the affirmative.

#### Re. Issue No. 3 :

Has the National Council of Khalistan, through its President—Dr. Jagjit Singh Chauhan, been spreading concept of 'Khalistan' through foreign press and if so, is such action of the respondent an unlawful activity under clause (f) of Section 2 of the Act, is the issue. This issue is raised having regard to ground No. (ii) furnished in support of the declaration made in the Notification under adjudication. The said ground is based on the materials in documents—Annexures-III, IV and V annexed to Exhibit P-52, the Resume, as spoken to by PW-13, Sri Ashok Bhatia. The first document of Annexure-III is the photo copy of Exhibit P-29 and the second document of that Annexure is Exhibit P-29A (ET). Exhibit P-29 is the photo copy of an article in Punjabi published in London Based Punjabi Weekly 'Des Pardes', Special Issue—1988 and its English Translation is Exhibit P-29 (ET). "Is Khalistan not possible" while is seen to be the title of that article, it is seen to have been subscribed by Dr. Jagjit Singh Chauhan. Six members of Congress Party and family members of late Sant Jarnail Bhindranwale are accused by that article of having brought impediments in the creation of Khalistan with anti-Khalistan propaganda. The message of that article to the persons who were doubting the possibility of creation of Khalistan after four years of struggle, is that they should feel as hamed. The article raises the question as to how Khalistan would die when it had the capability of feeding the whole of Asia, in that, Punjab was a fertile land and its inhabitants had the capacity to turn the land into gold by hard work. What is sought to be conveyed by that article is that there was no going back on the establishment of Khalistan and one should realise that Khalistan would become a reality.

Exhibit P-9 is the 27th January 1989 issue of London Based Punjabi Weekly 'Des Pardes'. Exhibit P-9A is a news item in Punjabi in that Weekly. Its English Translation is Exhibit P-9A (ET). These documents are spoken to by PW-4, Sri Harbans Singh, Dy. S.P., C.I.D., Jalandhar. It is disclosed from Exhibit P-9A that there was a protest demonstration by Sikhs in Germany against the execution of a capital sentence awarded to Satwant Singh and Kehar Singh. Demonstrators, it is said, had carried placards containing slogans, such, 'Khalistan Zindabad', 'Rajiv's Sarkar Murdabad'. According to the News Item, Sri S. Bahadur Singh, Hira while is said to have stated that laws were enacted in India only to finish the Sikhs, Jathedar Satnam Singh Habbar is said to have stated that Khalistan shall come in existence and Sikhs will not sit peacefully without independent Khalistan. The first document and the second document in Annexure-IV to Exhibit P-52, the Resume—the photo copies of Exhibits P-9A and P-9A (ET), are the documents said to have weighed with the Central Government in making

the declaration in the Notification under adjudication as spoken to by PW-13, Sri Ashok Bhatia, the Joint Secretary to the Central Government.

Exhibit P-8 is the report made by the Deputy Superintendent, C.I.D., Jalandhar, to the D.I.G.-1, Intelligence, Punjab; about the protest demonstrations held against the execution of capital sentence awarded to Satwant Singh and Kehar Singh and the pro-Khalistan publications brought out in foreign based Journals. Exhibit P-8 (ET) is the English Translation of Exhibit P-8. Both are spoken of by PW-4, Sri Harbans Singh. Documents 1 and 2 of Annexure-V are the photo copies of Exhibit P-8 and Exhibit P-9, which, according to PW-13, Sri Ashok Bhatia had also weighed with the Central Government in making the declaration in the Notification under adjudication. PW-4, has stated in his evidence that he sent the foreign publications to the higher-ups along with his Report since they related to secessionist activities of National Council of Khalistan, its units and activists. Annexure-VII to Exhibit P-52, the Resume, is the photo copy of Exhibit P-10, the report of the Deputy Superintendent of Police, C.I.D., Punjab, sent to D.I.G., Intelligence-1, Punjab; Chandigarh. PW-4, Sri Harbans Singh, who sent that report, speaks of it. Annexure-VI to Exhibit P-52, the Resume, is the photo copy of Exhibit P-11. Exhibit P-11 was sent enclosed by PW-4, Sri Harbans Singh, along with his report—Exhibit P-10. Annexure-VI and VII, which are photo copies of Exhibits P-11 and P-10 are said to have weighed with the Central Government in making the declaration in the Notification under adjudication as deposed to by PW-13, Sri Ashok Bhatia. Exhibit P-11 is a Press Statement dated 4th February 1989 said to have been issued by Sri Gurmej Gill, Prime Minister of Khalistan Government-in-exile. In that Press Statement, objection is raised to the remarks attributed to the Chief of West Midland's Police Mr. Geoffrey Dear in the media coverage of his tour in Punjab. Mr. Gill has described the remarks as enemy inspired untruths, calculated to defame the Sikh Nation. As seen from his statement, the pleas raised therein are pro-Khalistan.

From the materials contained in the said documents, it becomes obvious that the respondent-National Council of Khalistan, through its members and activities abroad, was spreading the concept of Khalistan through foreign press and encouraging secessionist activities, which are unlawful activity under clause (f) of Section 2 of the Act.

Hence, the Tribunal records its finding on the issue in the affirmative.

#### Re. Issue No. 4 :

Has the National Council of Khalistan, as Government-in-exile of the Republic of Khalistan, through its acting President, claimed that Indian flags were burnt in all Gurdwaras of United Kingdom on the Republic Day (26th January 1989) and is such action an unlawful activity on the part of the respondent-National Council of Khalistan under clause (f) of Section 2 of the Act, is the issue. This issue is based on ground No. (iii) furnished in support of the declaration in the Notification under adjudication.

The first document of Annexure-VIII annexed to Exhibit P-52, the Resume, is a photo copy of News Item in Awaz-e-Quam, Issue No. 134 of 9th February 1989. The second document of Annexure-VIII is a photo copy of Exhibit P-30A (ET), the English Translation of Exhibit P-30. Exhibit P-30 and Exhibit P-30A (ET) are spoken to by PW-6, Sri Raj Kumar. PW-13, Sri Ashok Bhatia, has said in his evidence that the photo copies of the said Exhibits had been taken into consideration by the Central Government in making the declaration in the Notification under adjudication. As seen from Exhibit P-30A (ET), Sri S. Sewa Singh Lalli, acting President of Khalistan Government-in-exile, has sent the ashes of the Indian tri-colour Flag burnt in Gurdwaras throughout United Kingdom on 26th January. He is said to have pleaded with the Indian Government to grant freedom to Khalistan, in that, no power on earth could stop the emergence of Khalistan. If the photograph of the persons carrying an Urn is seen at Exhibit P-30A in the context of the ashes of the tri-colour Flag said to have been sent to

Re. Issue No. 6(C) :

The actions of the person who has described himself as the Acting President of the Government-in-exile concerned in Issue No. 6(a) and the action of the person, who has described himself as the Prime Minister of the Government-in-exile, Sri Gurmej Singh Gill, concerned in Issue No. 6(b) since relate to claims for secession of a part of the territory of India from the Union and seek support of the World Community Statesmen and Leaders to support the Sikh War of Independence. Such actions on the part of the respondent—National Council of Khalistan and the findings of the Tribunal thereon being in the affirmative, they would be an unlawful activity under clause (f) of Section 2 of the Act.

Hence, the Tribunal records its finding on Issue No. 6(d) in the affirmative.

Re. Issue No. 7 :

Has the National Council of Khalistan, through its Office bearers, reiterated the demand for Khalistan appealing for money to be given to the families of Sikh militants in Punjab during the convention organised by them and is their action unlawful activity under clause (f) of Section 2 of the Act, is the issue. This issue is raised having regard to ground (vi) furnished in support of declaration in the Notification under adjudication.

Annexure-XX annexed to Exhibit P-52, the Resume, sent to the Tribunal for its examination, is said to be one of the documents which weighed with the Central Government in making the declaration under the Notification, as deposed to by P.W. 3, Sri Ashok Bhatia. Annexure-XX is the photo copy of Exhibit P-20 spoken to by P.W. 4, Sri Harbans Singh. From Exhibit P-20, it is disclosed that the information contained therein is based on Khalistan News, a monthly Journal of May Issue of 1989 published in United Kingdom. It refers to the convention of Sikhs held in Slough Berkshire on March 25th and 26th to review the progress of the struggle for the liberation of Khalistan and chart the future course of action. It refers to various decisions taken in the Convention including a decision to carry on the War of Independence for Khalistan with all means available till the establishment of the sovereign State of Khalistan and the need of generous donations for Relief Fund created by the Government-in-exile for the benefit of the families affected by the War of Independence. There is also a reference to the speech of Sri Gurmej Singh Gill rendered as the Prime Minister of Khalistan Government-in-exile, wherein several things have been said in favour of the establishment of a separate State of Khalistan independent of India. The said activities of the activists of the respondent—National Council of Khalistan at the Convention since relate to claims for secession of a part of the territory of India and encouragement to be given for such claims, are to be regarded as unlawful activity under clause (f) of Section 2 of the Act. Hence, the Tribunal records its finding on the issue in the affirmative.

Re. Issue No. 8 :

Has the Council, through the President of its branch the United States based Council of 'Khalistan' in the United States of America, been sending to India subversive literature/material, in which, among other things, it is claimed that 'Khalistan' has since been declared independent from India, its recognition is only a matter of time and at present Punjab is an occupied territory and the boundaries between the Governments should be marked through negotiations with Sikh Nation and such activity on the part of the President of the Council of Khalistan an unlawful activity under clause (f) of Section 2 of the Act, is the issue. It has been raised having regard to ground (vii) furnished in support of the declaration in the Notification under adjudication.

Annexures-XXIV, XXV, XXVI, XXVII, XXVIII, Documents 1 and 2 in Annexures-XXIX, Documents 1 and 2 in Annexure-XXX, Annexure-XXXI, Annexure-XXXII, Annexure-XXXIII, Annexure-XXXIV, Annexure-XXXV, Annexure-XXXVI, Annexure-XXXVII, Annexure-XXXVIII, Annexure-XXXIX, Annexure-XL and Annexure-XLI and Annexure-XLII

sent enclosed along with Exhibit P-52, the Resume, to the Tribunal for its examination are documents which had weighed with the Central Government in making the declaration in the Notification under adjudication, as deposed to by P.W. 13, Sri Ashok Bhatia. These Annexures are the photo copies respectively of Exhibit P-22, Exhibit P-23, Exhibit P-24, Exhibit P-25, Exhibit P-26, Exhibit P-1 and Exhibit P-1 (ET), Exhibits P-2 and P-3, Exhibit P-48, Exhibit P-49, Exhibit P-42, Exhibit P-43, Exhibit P-46, Exhibit P-47, Exhibit P-38, Exhibits P-36 and P-37, Exhibit P-44, Exhibit P-45, Exhibit P-27 and Exhibit P-28.

Exhibits P-22 to P-26, P-27 and P-28 are spoken to by P.W. 4, Sri Harbans Singh; Exhibits P-1(ET), P-2 and P-3 are spoken to by P.W. 1, Sri Bhajan Singh. Exhibits P-48 and P-49 are spoken to by P.W. 3, Sri Nasib Chand; Exhibits P-42 to P-47 are spoken to by P.W. 12, Sri Iqbal Singh; and Exhibits P-38, P-36 and P-37 are spoken to by P.W. 10, Sri Dewan Chand. The facts contained in these exhibits remain uncontroverted.

Exhibit P-22 (Annexure-XXIV) is the letter dated 8-2-1989 of P.W. 4, Sri Harbans Singh, addressed to the D.I.G., Intelligence-1, P.S., Chandigarh. In that letter, it is stated that a copy of the official publication of International Sikh Organisation "The Sikh Herald" of August 1988, was being sent. Exhibit P-23 (Annexure-XXV) is that publication, the copies of which are said to have been received by some Press Agencies at Jalandhar. A Press Release of August 4, 1988, issued by Dr. Gurmit Singh Aulakh as President of the Council of Khalistan, is found in that publication. There is a reference in that Press Release to an appeal said to have been made by Dr. Gurmit Singh Aulakh on July 8, to the United Nation's Secretary General to raise the issue of the Sikhs at the United Nations and urge for a United Nations supervised referendum on the subject of self-determination for Punjab.

Exhibit P-24 (Annexure-XVI) is the letter of P.W. 4, Sri Harbans Singh, sent to the I.G.P., Intelligence, Punjab, together with Press Release dated 22-2-1989, Exhibit P-25, and a Bill, Exhibit P-26 (Annexure-XXVII) which had been received by Press Agencies at Jalandhar. It is disclosed from Exhibit P-25 that it is a Press Release issued by the President of the Council of Khalistan—Dr. Gurmit Singh Aulakh. It refers to the Bill, Exhibit P-26 (Annexure-XXVIII) said to have been introduced in the House of the Representatives on February 21, by Congress man, Mr. Wali Herger and 17 co-sponsors under the heading "to deny non-discriminatory (most favoured Nation) treatment to the products of India. There is a reference in that Press Release to Dr. Gurmit Singh Aulakh's statement "if 7 million Afghans could force the Soviets out of Afghanistan, then 17 million Sikhs can force India to give Khalistan its independence. The Council of Khalistan implores the Indian Government to use common sense to stop its genocide against the Sikhs and to quit the Sikh home land of Khalistan".

Exhibit P-1 (ET) (Annexure-XXIX) is the English Translation of Special Report dated 5-4-1989, Exhibit P-1 in Punjabi (Annexure-XXIX) sent to the D.I.G.-II, Intelligence, Punjab. Along with that report, a photo copy of Exhibit P-2 (Annexure-XXIX)—the first document 'World's Newest Nation'—How viable? said to have been sent to the Head of Department of Sikh Religion Studies, Punjabi University, Patiala, and a photo copy, Exhibit P-3 (Annexure-XXIX), the second document of the original document said to have been sent to the Academic Dean, Punjabi University, Patiala, were enclosed. P.W. 1, Sri Bhajan Singh, speaks about them. In Exhibit P-2, it is concluded that "(i) Today Khalistan is like a seed waiting to blossom on the arid plains of Punjab—waiting for the nourishment which only political recognition can bring it; (ii) The pace of International recognition of Khalistan must be accelerated as well as to stop India's tyranny and genocide against the Sikh Nation. In Exhibit P-3, a Press Release said to have been issued by Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, contains the statement that Khalistan if formed would be a buffer zone between India and Pakistan and naturally of the United States and an asset to the West.



the then Prime Minister of India appearing in the News Item, the claim that ashes of tri-colour flag were sent to the then Prime Minister receives authenticity. Such action on the part of the person, who is associated with the respondent-Council, would be an unlawful activity under clause (t) of Section 2 of the Act, in that, any action taken to incite any individual or group of individuals to bring about secession of a part of the territory of India from the Union or intended to disrupt the sovereignty or territorial integrity of India would be an unlawful activity.

Hence, the Tribunal records its finding on the issue in the affirmative.

#### Re. Issue No. 5 :

Has the National Council of Khalistan, through its activists and office bearers abroad, been raising pro-Khalistan and anti-Indian slogans during processions taken out and collecting funds to aid Sikh militants fighting for Khalistan in Punjab and is such action an unlawful activity under clause (f) of Section 2 of the Act, is the issue. This issue is raised having regard to ground (iv) furnished in support of the declaration in the Notification under adjudication.

Annexure-XV to Exhibit P-52, the Resume, is the photo copy of source report, Exhibit P-24, produced in Petition No. 1 of 1990 before this Tribunal, photo copy of Exhibit P-24 produced in the present petition as Exhibit P-3. Annexure-XV had weighed with the Central Government in making the declaration in the Notification under adjudication as has been deposed to by P.W. 13, Sri Ashok Bhatia, Exhibit P-35 being the photo copy of Exhibit P-24, the original report produced in Petition No. 1 of 1990, is spoken to by P.W. 9, Sri Raghbir Singh, Inspector of Police, C.I.D., Batala, in Gurudaspur District of Punjab. P.W. 9 speaks to the correctness of the information contained in Exhibit P-24, as passed on to the S.P./C.T., Intelligence, Punjab, Chandigarh. From Exhibit P-35, it is disclosed that a meeting of protagonists of Khalistan belonging to National Council of Khalistan and other similar organisations was held on April 17, 1989, in Gurudwara at Slougha, Suburb of London (U.K.), and attended by self-styled Ministers of Government-in-exile of the National Council of Khalistan and militants settled in U.K., Canada, U.S.A., and Germany, besides Khan Abdul Wahid a representative of Afghan Mujahideen as a special invitee. Decisions taken at the meeting are said to relate to collection of more and more funds for rendering adequate financial aid not only to Sikh militant organisations fighting for the cause of Khalistan in Punjab with Pakistan as their base for purchase of arms and ammunition, but also for families of Sikh militants who had been killed or arrested. Dr. Chauhan is said to have appealed to participants to step up pro-Khalistan propaganda among Sikh immigrants in foreign countries. These activities intended to promote and aid the movement for establishment of Khalistan, cannot but be unlawful activity under clause (f) of Section 2 of the Act.

Hence, the Tribunal's finding on the Issue is in the affirmative.

#### Re. Issue No. 6(a) :

Has the Council, as Government-in-exile, through its Acting President, sent an open letter on 30th January, 1989 from the United Kingdom to the then Prime Minister of India on the letter pad form of the 'Khalistan Government-in-exile with Khalistan insignia' urging the Indian Government to vacate the Indian occupation of 'Khalistan' without further delay, is the issue. This issue is raised having regard to earlier part of ground (v) furnished in support of the declaration in the Notification under adjudication.

Annexures-X, XI and XII to Exhibit P-52, the Resume, are the photo copies of Exhibits P-13, P-14 and P-15 respectively. These Annexures are also said to have weighed with the Central Government in making the declaration in the Notification under adjudication, as deposed to by P.W. 13, Sri Ashok Bhatia.

Exhibit P-13 is the letter sent by the Deputy Superintendent of Police to D.J.G., Intelligence-II, Punjab-Chandigarh enclosing along with it two documents—one under the letter-head 'Information Department', Khalistan Government-in-exile, with Khalistan insignia and another in the letter-head 'Republic of Khalistan', Khalistan Government in Exile. P.W. 4, Sri Harbans Singh has spoken about the documents—Exhibits P-13 to P-15. Exhibit P-14 discloses that the acting President, Sewa Singh Lalli of Khalistan Government-in-exile, in forwarding the ashes of the Indian flag to the then Indian Prime Minister Sri Rajiv Gandhi, has advised him to vacate Indian occupation of Khalistan without further delay. It is also stated therein that process of withdrawal by the Indian Government of Khalistan should start immediately. The same is said to be the Pres. Release dated January 31, 1989.

Exhibit P-15 is the letter dated January 30, 1989, addressed by Sri Sewa Singh Lalli to Sri Rajiv Gandhi, former Prime Minister. It is stated in that letter thus :

"Khalistan will be liberated, whether you like it or not. If you choose to part with a kiss, the people of Khalistan could forgive and forget the past and work with India for peace and progress in the region. If you don't, the parting will still come about—though it will be a parting with a kick."

Hence, it stands established that the National Council of Khalistan, as Government-in-exile, through its acting President, sent an open letter on 30th January, 1989 from United Kingdom to the then Prime Minister of India on the letter pad form of 'Khalistan Government-in-exile with Khalistan insignia' urging the Indian Government to vacate the Indian occupation of Khalistan without further delay. The finding of the Tribunal on the issue is, therefore, recorded in the affirmative.

#### Re. Issue No. 6(B) :

Has the respondent—National Council of Khalistan, through the Prime Minister of its Government-in-exile, been calling for moral and material support from the world communities to the Sikh War of Independence, is the issue. The latter part of ground (v) furnished in support of the declaration in the Notification under adjudication has given rise to the issue.

Annexure-XVI and XVII sent to the Tribunal along with Exhibit P-52, the Resume, are the photo copies of Exhibits P-16 and P-17 respectively. The material contained in Annexures-XVI and XVII, had been taken into account by the Central Government in making the declaration in the Notification under adjudication, is the evidence of P.W. 13, Sri Ashok Bhatia. The authenticity of the information contained in Annexure-XVI based upon the Press Release dated 25th May, 1989, as found in Exhibit P-17, is spoken to by P.W. 4, Sri Harbans Singh, by whom Exhibit P-16 was written to his higher-up, enclosing the photo copy of the Press Release—Exhibit P-17. As seen from Exhibit P-17, it is a Press Release of Sri Gurmej Singh Gill describing himself as the Prime Minister of Khalistan Government-in-exile and indicating that it is the Press Release issued on 25th May, 1989 from Khalistan Prime Minister's Secretariat, Birmingham, U.K., calling upon the World Community, as a whole, to give moral and material support to the Sikh War of Independence. Statesmen and Politicians of the world, as seen from the Press Release, were called upon to use their influence to induce Indian Government to honour the right of Sikhs to self-determination and to stop its malicious propaganda against Sikhs and committing of atrocities against them. Hence, Sri Gurmej Singh Gill as the Khalistan Government-in-exile representing the National Council of Khalistan, the respondent, has called for moral and material support from the World Communities to the Sikh War of independence.

The finding of the Tribunal on the issue is, therefore, recorded in the affirmative.



Exhibit P-48 (Annexure-XXXI) and Exhibit P-49 (Annexure-XXXII) are spoken to by P.W. 3, Sri Nasib Chand. Exhibit P-48 is a Secret Report along with which Exhibit P-49, a Press Release by Dr. Gurmit Singh Aulakh, President of Council of Khalistan is sent. That Press Release refers to the affirmation by Young Republicans National Federation, the Sikh fight for independence and self-determination for Punjab.

Exhibit P-42 (Annexure-XXXIII) is the Source Report sent by P.W. 12, Sri Iqbal Singh to the Superintendent of Police, C.I.D. It is stated in Exhibit P-42 that a photo copy of the Press Release dated August 1, 1989, issued by G.S. Aulakh as President, Council of Khalistan, Exhibit P-43 (Annexure-XXXIV) was sent. Exhibit P-43 discloses that it is an open letter sent to Mr. Govind Ram, S.S.P., Batala Police, District : Punjab. In that letter, Sri Govinda Ram is accused of having committed certain atrocities and is advised "Better to get in step and get right with God and man Mr. Ram, or you will surely live to regret it". P.W. 12 has stated that subsequently Mr. Govind Ram as well as his son—Rajan Bens have suffered the loss of their lives as threatened in the open letter.

Exhibit P-46 (Annexure-XXXV) is a letter of P.W. 12, Sri Iqbal Singh, written to D.I.G./I. He sent along with that letter a copy of the Magazine "The Sikh Herald", the official publication of the International Sikh Organisation of October 1988, said to have been received by S.G.P.C. Authorities from Dr. Gurmit Singh Aulakh, President of Khalistan. Exhibit P-47 (Annexure-XXXVI) is an article there, under the heading "The Underground Army" at Exhibit P-47B, besides an article under the heading "Rajiv's visit to Punjab" at Exhibit P-47A. These Exhibits are spoken to by P.W. 12, Sri Iqbal Singh. In these articles, it is said that the only solution to the Punjab problem is the establishment of an independent State 'Khalistan' and the Police of Punjab should change their face.

Exhibit P-38 (Annexure XXXVII) is a Secret Letter of Deputy Superintendent of Police sent to D.I.G. II enclosing with it a Press Release, Exhibit P-36 (Annexure XXXVIII) issued by Dr. Gurmit Singh Aulakh President of Council of Khalistan. These are spoken to by P.W. 10, Sri Dewan Chand. In that Press Release, an objection is taken to the appointment of Dr. Karan Singh as Indian Ambassador for U.S. and that appointment is described as stepping up of Indian Government's operation against the Sikh Khalistan Movement in U.S.A.

Exhibit P-44 (Annexure-XXXIX) is a Secret letter sent by P.W. 12, Sri Iqbal Singh, Inspector of C.I.D. II, to the D.I.G., Intelligence. Along with it, a Press Release of Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, Exhibit P-45 (Annexure-XL) is sent. These two documents are spoken to by P.W. 12, Sri Iqbal Singh. There is a reference in the Press Release that on October 7, 1987, the Sikh Nation declared independence from India and severed all relations with the Indian Constitution. It is further stated that the Sikh Nation instituted the Council of Khalistan, of which Dr. Gurmit Singh Aulakh is the President, to administer the affairs of the new Nation 'Khalistan'.

Exhibit P-27 (Annexure-XLI) is a letter sent by P.W. 4, Sri Harbans Singh, to D.I.G., Intelligence. Along with it, he sent a photo copy of the letter of Dr. Gurmit Singh Aulakh President of the Council of Khalistan said to have been sent to Shri Rajiv Gandhi.

Exhibit P-28 (Annexure-XLII) discloses that an advice is tendered to the Prime Minister that it is in the interest of the Government and the people of India to settle by negotiations virtual state of War in Sikh home land and Foundries between two Nations of Khalistan and India, so that they (people of India and people of Sikh land) may live as good neighbours and not as enemies.

As any claim for secession of a part of the territory of India would be an unlawful activity under clause (f) of Section 2 of the Act, when the respondent acting through Dr. Gurmit Singh Aulakh through various Press Releases and other letters aforementioned, has claimed that Khalistan should be established as an independent State apart from India, it amounts to unlawful activity under clause (f) of Section 2 of the Act.

Hence, the Tribunal records its finding on the issue in the affirmative.

Re. Issue No. 9 :

The findings on Issue Nos. 2 to 8 being recorded in the affirmative by the Tribunal, it follows that National Council of Khalistan—the respondent is an unlawful association under clause (g) of Section 2 of the Act. Hence, a finding on this issue is recorded in the affirmative.

Re. Issue No. 10 :

The very material forming the grounds for the declaration made by the Central Government that the respondent—National Council of Khalistan was an Unlawful Association, by issue of the Notification under adjudication, is produced as documentary evidence at the enquiry held by the Tribunal, to adjudicate whether the declaration so made calls to be confirmed or rejected. The material so produced by the Central Government—the petitioner, by way of documentary evidence, which remained un rebutted by National Council of Khalistan—the respondent or any person on its behalf, being found sufficient to support the issues raised with reference to grounds furnished in the Notification, such issues are answered in the affirmative by the Tribunal and findings thereon are recorded accordingly. Thus, when, on the findings recorded on Issue Nos. 2 to 8, National Council of Khalistan—the respondent is an Unlawful Association under clause (g) of Section 2 of the Act, it must follow as a consequence thereof that there was sufficient cause for the Central Government to declare National Council of Khalistan—the respondent as an 'Unlawful Association' by issuing the Notification under adjudication in exercise of its powers under sub-section (1) of Section 3 of the Act and that Notification calls confirmation by the Tribunal under sub-section (3) of Section 4 of the Act. Therefore, the Tribunal records its finding on Issue No. 10 in the affirmative.

"8. In the result, the Tribunal holds that there was sufficient cause for the Central Government to declare National Council of Khalistan as an Unlawful Association by Notification No. S.O. 400(E) dated 22nd May 1990 published in the Gazette of India Extraordinary of the same date under sub-section (1) of Section 3 of the Act, and makes this order under sub-section (3) of Section 4 of the Act confirming the declaration in that Notification.

[F. No. I. 17017/41/90-IS/3-D. VII]

NANJB GOWDA VENKATACHALA, Justice

H. M. CAIRAE, Dy. Secy.

